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CASELLA & HESPOS 274 MADISON AVENUE NEW YORK, NY 10016			EXAMINER NGUYEN BA, HOANG VU A	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/034,832	Applicant(s) ROTHSCHILD, LEIGH M.	
	Examiner Hoang-Vu A. Nguyen-Ba	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 and 29-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 and 29-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to the amendment filed April 23, 2007.
2. Claims 1-26 and 29-42 remain pending. Claims 1 and 13 are independent.

Response to Amendment

3. Per Applicant's request, Claims 27-28 have been cancelled and Claims 1-3, 5, 13, 15-17, 19-26 and 29-32 have been amended.
4. The objection to Claims 5, 19 and 21 is withdrawn in view of Applicant's amendments to these claims to correct identified minor informalities.

Response to Arguments

5. Applicant's arguments in the Remarks filed concurrently with the amendment have been fully considered but are not persuasive. Following is an examiner's response to Applicant's arguments.

Amended Independent Claim 1

Applicant's arguments:

Thus, the method of amended claim 1 activates a communicative link in an enhancement registry in response to "receiving a user input", by "identifying the time marker" associated with a media selection "that corresponds to the time of receipt of said user input;" and correlating the identified time marker with "at least one time data of said enhancement registry and activating said communicative link associated with said at least one time data". Hudson does not disclose receiving a user input and then identifying a time of the user input to determine a communicative link associated with that time of the media selection. In paragraph [0033] of Hudson, Hudson discloses using time code markers to determine when to display or to deliver an interface link to a user, i.e., "one or more interface links may appear or disappear based on time elapsed". The time code markers of Hudson are not used, in response to a user input, as a look-up mechanism to activate a communicative link of an enhancement registry in the manner of the claimed method. Hudson's

"time code markers" are used to enable the "interface links" to be responsive to a user input, and without their action the links are ineffective and produce no response to the input. In contrast, the claimed time markers, which are distinct from the claimed "time data", are directly responsive to a user input and produce the delivery of additional materials to the user, through their correlation with the time data and communicative links of an enhancement registry. No additional enabling is involved as in Hudson. It should be noted further that the correlation is accomplished using the claimed "time data" which also functions entirely differently from the functioning of Hudson's "time code markers embedded in the video stream." Therefore, it is respectfully submitted that the claimed method differs essentially from the teaching of Hudson so that amended claim 1 is patentably distinct and not anticipated by Hudson.

Examiner's response:

Regarding Applicant's argument that Hudson does not disclose *identifying the time of receipt*, the examiner notes that for the situation of a user watching a basketball game ([0009]), who interrupts the game momentarily to browse the link associated with the shoe worn by a basketball player, the time at which the program is paused is a time marker at which the real-time playback of the basketball game can resume. Therefore, this time of receipt is deemed inherent to Hudson teaching because without the recordation and identification of this time marker, it is impossible for the user to monetarily interrupt the game and resume the playback of the game at the point of interruption.

Regarding Applicant's argument that Hudson does not use the time of receipt of the user's input to determine a communicative link associated with that time of the media selection, the examiner respectfully notes that the claim language of "correlating said identified time marker with at least one of said time data ... and activating said communicative link associated with at least one of said time data ... to deliver additional material ..." does not appear to

support Applicant's argument that the time marker is used to **determine** a communicative link associated with that time of the media selection. The claim language merely recites "correlating" and "activating," which implies two simultaneous actions and not one action resulting from another preceding action. Thus, the claim language does not require a look-up mechanism to activate a communicative link as asserted by Applicant. Furthermore, the claim language calls for a "communicative link associated with at least one of said **time data**." It is noted that the communicative link is not associated with the **time marker** as asserted by Applicant in the statement "a communicative link associated with that time of the media selection."

Regarding Applicant's argument that "the correlation is accomplished using the claimed "time data" which also functions entirely differently from the functioning of Hudson's "time code markers embedded in the video stream," it is noted that the Office action interprets the claimed time data to read on the time code marker in Hudson and this interpretation is considered not inconsistent with Applicant's claim that time data is a separate entity than time of receipt of a user's input because the Office interprets the time of receipt of the user's input to be inherent to Hudson teaching of interrupting the video playback and this time of receipt is not the same time marker associated with the interface links as disclosed by Hudson in [0033], lines 10-15 (e.g., "[t]he association of interface links with time code markers").

Amended claims 2-12

Since amended Claims 2-12 depend from amended Claim 1, these claims are not patentable for at least the reasons discussed above with

respect to amended Claim 1.

Amended Claim 13

Applicant's arguments:

Amended claim 13 now includes the limitations of claims 27 and 28. When rejecting claim 28, the Examiner asserted paragraph [0042] of Hudson discloses "wherein each of said communicative links is associated with a different time marker of said media selection, said activation assembly identifying a corresponding one of said communicative links in response to said user input". Paragraph [0042] of Hudson merely discloses that a sub-page of an interactive link may contain video assets, examples are given. However, Hudson does not disclose "an activation assembly structured to access said enhancement registry, identify one of said at least one communicative links based on correlating the identified time marker with an associated time data and to correspondingly activate said identified communicative link for delivery of said additional materials to the user", where the time marker corresponds to the time of receipt of a user input. Hudson merely discloses a system obtaining user inputs by displaying or delivering interface links to a user based on elapsed time without any suggestion of the use of an enhancement registry or an activation assembly or their interaction. Therefore, it is respectfully submitted amended claim 13 is patentably distinct and not anticipated by Hudson. Furthermore, it is respectfully submitted that dependent claims 14-26 and 29-42, depending directly or indirectly from amended claim 13, are patentable for at least the reasons stated above in regard to amended claim 13.

Examiner's response:

Applicant submitted that amended claim 13 now includes the limitations of Claims 27 and 28. It is respectfully noted that amended claim 13 does not appear to include the following limitations that are recited in canceled claims 27 and 28, respectively:

including a plurality of said communicative links;

wherein each of said communication links is associated with a different time marker of said media selection, said activation assembly identifying a corresponding one of said

communicative links in response to said user input.

Even assuming, *arguendo*, that the added limitation “wherein each of said at least one communicatively links is associated with a different one of said time data” (lines 5-6 of amended claim 13) is what Applicant considers to be the limitation of canceled claim 27, it is respectfully noted that Applicant appears to claim that the “time data” recited in amended claim 13 to be the same entity that has the same function as the “time marker” previously recited in canceled claim 27, a claim that appears to contradict Applicant’s assertion made previously in Applicant’s remarks regarding amended claim 1.

Since amended claim 13 does not contain the features of claims 27 and 28, features about which Applicant essentially argued in the Remarks, Applicant’s arguments are considered moot.

Amended claims 14-26 and 29-42

Since amended Claims 14-26 and 29-42 depend from amended Claim 1, these claims are not patentable for at least the reasons discussed above with respect to amended Claim 13.

According to the foregoing discussion, the rejection of claims 1-26 and 29-42 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2002/0078456 by Hudson is considered proper and thus maintained.

Claim Rejections – 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejection under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for the purposes of this subsection of an application filed in the United States and was published under Article 21(2) of such treaty in the English language

7. Claims 1-26 and 29-42 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2002/0078456 by Hudson et al. ("Hudson").

Claim 1

Hudson discloses at least:

generating and storing an enhancement registry for a media selection from said media content, said enhancement registry including at least one time data associated with said media selection and at least one communicative link to additional materials, wherein each of said at least one communicative links is associated with a different time data associated with said media selection (see at least FIG. 4, step 402; it is noted that the claimed *additional materials* is equated with Hudson's ancillary content throughout the Office action);

associating a media storage medium containing said media selection with a corresponding media player (see at least [0002]);

[identifying the] associating said media selection with time markers related to the stages of said media selection and to at least one of said time data (see at least FIG. 4, step 400);

playing the media selection on said corresponding media player for delivery to a user (see at least FIG. 4, step 402);

receiving a user input and identifying the time of receipt (see at least FIG.

4, steps 404, 414, 418, 420);

identifying [at least a] the time marker of said media selection [at a time] that corresponds to the time receipt of said user input (see at least [0033]; FIG. 5, item 500); and

*correlating said identified time marker with at least of said time data of said enhancement registry and activating said communicative link associated with at least one of said time data in response thereto, to deliver additional material related to a stage of said media selection to a user in accordance with the receipt of a user input (see at least [0033]; it is noted that the claimed *time data* is interpreted to read on Hudson's time code marker embedded in the video stream).*

Claim 2

The rejection of base claim 1 is incorporated. Hudson further discloses *generating and storing said enhancement registry including a plurality of said communicative links, each such link being associated with a different stage[[s]] of said media selection [[as]] and referenced to said different stage by said associated time data, and correlating said time data with said time markers with an activation assembly communicating with said enhancement registry (see at least [0033]).*

Claim 3

The rejections of base claim 1 and intervening claim 2 are incorporated. Hudson further discloses *wherein at least one of said plurality of said communicative links which [corresponds] is associated a .[[said]] stage of said media selection [[as]] referenced by said associated time data, is activated by said activation assembly in response to the correlation of said associated time data with a time marker corresponding to the time*

receipt of said user input to deliver additional material related to said stage of said media selection to a user (see at least [0033]).

Claim 4

The rejection of base claim 1 is incorporated. Hudson further discloses *wherein said enhancement registry is generated and stored for a video media selection and further includes frame location data associated with a specific location on at least one frame of said media selection* (see at least [0033], [0047-0048]).

Claim 5

The rejections of base claim 1 and intervening claim 4 are incorporated. Hudson further discloses *identifying a location marker of said media selection that corresponds said user input, and correlating said location marker with said frame location data of said enhancement registry so as to correspondingly activate said communicative link* (see at least [0033]; [0046-0048]).

Claim 6

The rejection of base claim 1 is incorporated. Hudson further discloses *wherein activation of said communicative link further comprises retrieving said additional materials from a local storage medium* (see at least [0002], lines 1-7).

Claim 7

The rejection of base claim 1 is incorporated. Hudson further discloses *wherein activation of said communicative link further comprises retrieving said additional materials from said media storage medium* (see at least [0002], lines 1-7).

Claim 8

The rejection of base claim 1 is incorporated. Hudson further discloses *wherein activation of said communicative link further comprises retrieving said additional materials from a remote storage medium* (see at least FIG. 1, item 100).

Claim 9

The rejection of base claim 1 is incorporated. Hudson further discloses *storing said enhancement registry for said media selection on a local storage medium* (see at least [0002], lines 1-7).

Claim 10

The rejection of base claim 1 is incorporated. Hudson further discloses *storing said enhancement registry for said media selection on said media storage medium containing said media selection* (see at least [0002], lines 1-7).

Claim 11

The rejection of base claim 1 is incorporated. Hudson further discloses *storing said enhancement registry for said media selection on a remote storage medium* (see at least [0010]; FIG. 1, item 100).

Claim 12

The rejection of base claim 1 is incorporated. Hudson further discloses *establishing a communicative link between said media player and a remote server* (see at least [0009-0011]).

Claim 13

Hudson discloses *a media enhancement system* (see at least 0006], [0021]):

- a media player structured to deliver a media selection to a user* (see at least [0002]; claimed *media* equated with DVD discs);
- an enhancement registry associated with said media selection, said enhancement registry including at least one time data associated with said media selection and [[a]] at least one communicative link to additional materials, wherein each of said at least one communicative links is associated with a different one of said time data* (see at least FIGs. 3-4);
- a user interface operatively associated with said media player and structured to receive a user input at least during delivery of said media selection by said media player* (see at least (see at least FIGs. 3-4);
- said media player structured to to receive an indication from said user interface of the time of receipt of a user input to identify a [corresponding] time marker [[of]] associated with said media selection [at least at a time] that corresponds to the time of receipt of said user input* (see at least [0002], [0005-0006]); and
- an activation assembly structured to access said enhancement registry, identify one of said at least one communicative links based on correlating the identified time marker with an associated time data and to correspondingly activate said identified communicative link for delivery of said additional materials to the user* (see at least [0006-0007], [0021], FIGs. 3-4).

Claim 14

The rejection of base claim 13 is incorporated. Hudson further discloses *wherein said enhancement registry is separate from said media selection* (see at least [0011], [0030]).

Claim 15

The rejection of base claim 13 is incorporated. Since Claim 15 recites the same feature of Claim 8, the same rejection is thus applied.

Claim 16

The rejections of base claim 13 are incorporated. Hudson further discloses *a remote network and wherein said additional materials accessible utilizing said identified communicative link are accessible from said remote network* (see at least [0007], [0011], [0030]).

Claim 17

The rejections of base claim 13 are incorporated. Hudson further discloses *wherein said enhancement registry is stored remotely from said media player* (see at least [0030]; [0010]; FIG. 1, item 100).

Claim 18

The rejections of base claim 13 and intervening claims 15 and 17 are incorporated. Hudson further discloses *wherein said enhancement registry is communicated to said media player, said media player including said activation assembly* (see at least [0006-0007], [0021], FIGs. 3-4).

Claim 19

The rejections of base claim 13 and intervening claims 15 and 17 are incorporated. Hudson does not specifically disclose *wherein said media player communicates said time marker that corresponds to receipt of said user input to a remote server, said remote server including said activation assembly*. However, this feature is deemed inherent to Hudson as [0042] shows that after exploring a hub page

and any of various sub-pages, a user may elect to return to the primary video content at the point of interruption. If the media player does not communicate a time marker that correspond to receipt of the user input to a remote server, how the interactive video content program knows where to return to the point of interruption.

Claim 20

The rejections of base claim 13 and intervening claims 15 are incorporated. Hudson further discloses *wherein said communicative link is maintained by said media player* (see at least [0002], lines7-9).

Claim 21

The rejections of base claim 13 and intervening claims 17, 19 are incorporated. Hudson further discloses *wherein said identified communicative link is maintained on [[said]] media storage medium* (see at least [0002], lines7-9; [0006]).

Claim 22

The rejections of base claim 13 and intervening claims 17, 19 are incorporated. Hudson further discloses *wherein said identified communicative link is maintained by said remote server* (see at least [0022]).

Claim 23

The rejections of base claim 13 and intervening claims 17, 19 are incorporated. Since Claim 23 recites features that are similar to those of Claim 8, the same rejection is thus applied.

Claim 24

The rejection of base claim 13 is incorporated. Hudson further discloses *wherein said additional materials accessible utilizing said identified communicative link are structured to be selectively delivered as determined by the user* (see at least [0011], [0022]).

Claim 25

The rejection of base claim 13 is incorporated. Since Claim 25 recites the same feature of Claim 3, the same rejection is thus applied.

Claim 26

The rejection of base claim 13 is incorporated. Hudson further discloses *wherein said enhancement registry corresponding to said media selection is structured to be communicated to said media player and at least temporarily stored by said media player* (see at least [0010]).

Claim 29

The rejection of base claim 13 is incorporated. Since claim 29 recites the same limitation of claim 4, the same rejection is thus applied.

Claim 30

The rejections of base claim 13 and intervening claim 29 are incorporated. Hudson further discloses *wherein said user interface includes a location indicator structured to identify a location on at least a frame of said media selection, said user interface further structured to generate a location marker corresponding to a position of said location indicator associated with a user input* (see at least [0033]).

Claim 31

The rejections of base claim 13 and intervening claims 29 and 30 are incorporated. Hudson further discloses *wherein said activation assembly is structured to identify said identified communicative link in response to said location marker* (see at least [0026], [0030-0035]).

Claim 32

The rejections of base claim 13 and intervening claims 29 and 30 are incorporated. Hudson further discloses *wherein said activation assembly is structured to identify said identified communicative link in response to said location marker and said time marker, as defined by said time data and said frame location data of said enhancement registry* (see at least [0026], [0030-0035]).

Claim 33

The rejections of base claim 13 and intervening claims 29 and 30 are incorporated. Since claim 33 recites the same feature of claim 27, the same rejection is applied.

Claim 34

The rejections of base claim 13 and intervening claims 29, 30 and 33 are incorporated. Hudson further discloses *wherein said enhancement registry includes a different one of said communicative links in association with each of a plurality of said location markers for a particular one of said time markers* (see at least [0026], [0030-0035]).

Claim 35

The rejection of base claim 13 is incorporated. Since claim 33 recites the same feature of claim 27, the same rejection is applied.

Claim 36

The rejection of base claim 13 is incorporated. Hudson further discloses *wherein said activation assembly is structured to store a plurality of said communicative links for selective delivery of said additional materials to said user* (see at least [0026], [0030-0035]).

Claim 37

The rejection of base claim 13 is incorporated. Hudson further discloses *wherein said additional materials are delivered to said user via said media player* (see at least [0036], [0041]).

Claim 38

The rejection of base claim 13 is incorporated. Hudson further discloses *wherein said activation assembly is independent from said media player* (see at least [0036]; e.g., the Windows Media Player™ is independent from the DVS disc).

Claim 39

The rejections of base claim 13 and intervening claim 38 are incorporated. Since claim 39 recites the same feature of claim 12, the same rejection is thus applied.

Claim 40

The rejection of base claim 13 is incorporated. Hudson further discloses *wherein said additional materials include information material* (see at least [0022], [0041],

[0051], [0059]).

Claim 41

The rejection of base claim 13 is incorporated. Hudson further discloses *wherein said additional materials include e-commerce materials* (see at least Fig. 5; [0041], [0051], [0059]).

Claim 42

The rejections of base claim 13 and intervening claim 41 are incorporated. Hudson further discloses *wherein said e-commerce materials are structured to facilitate a remote purchase* (see at least Fig. 5).

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hoang-Vu "Antony" Nguyen-Ba whose telephone number is (571) 272-3701. The examiner can normally be reached on Tuesday-Friday from 7:00 am to 5:30 pm.

If attempts to reach the examiner are unsuccessful, the examiner's supervisor, John Miller can be reached at (571) 272-7353.

The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2600 Group receptionist (571) 272-2600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).



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July 7, 2007